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March 29, 2012

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## **VIA ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W., Room TW-A306  
Washington, D.C. 20554

## **VIA HAND DELIVERY**

Karen Majcher  
Vice President, High Cost & Low Income Division  
USAC  
2000 L Street, N.W., Suite 200  
Washington, D.C. 20036

**Re: Connect America Fund, WC Docket No. 10-90**

**Telecommunications Carriers Eligible for Universal  
Service Support, WC Docket No. 09-197**

Dear Secretary Dortch:

On behalf of Carolina West Wireless, Inc. (SAC 239004) ("Carolina West"), please find enclosed a redacted public version of Carolina West's Annual Report filed pursuant to Section 54.313 of the Commission's Rules ("ETC Report"). The attached ETC Report has been marked **"REDACTED – FOR PUBLIC INSPECTION."**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
March 29, 2012  
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Carolina West is also submitting to the Commission, under separate cover, a confidential version of the ETC Report. The confidential version is marked "**CONFIDENTIAL – NOT FOR PUBLIC INSPECTION.**"

Please contact the undersigned at 703-584-8666 if any questions arise concerning the above-referenced enclosures or if you require any additional information.

Sincerely,



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David A. LaFuria  
Steven M. Chernoff  
John Cimko

Attorneys for:  
*Carolina West Wireless, Inc.*

Enclosure

cc: Karen Majcher  
Vice President, High Cost & Low Income Division  
USAC  
2000 L Street, N.W., Suite 200  
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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
Telecommunications Carriers Eligible	)	WC Docket No. 09-197
for Universal Service Support	)	
	)	
Connect America Fund	)	WC Docket No. 10-90

**CAROLINA WEST WIRELESS, INC.**  
**ANNUAL REPORT**

Carolina West Wireless, Inc. (“Carolina West” or the “Company”), a wireless service provider designated as an Eligible Telecommunications Carrier (“ETC”) in the State of North Carolina,<sup>1</sup> hereby provides the Commission with its annual report containing information as set forth in Section 54.313 of the Commission’s Rules<sup>2</sup> and in the Commission’s Report and Order in the above-captioned WC Docket No. 10-90 proceeding.<sup>3</sup>

<sup>1</sup> Carolina West was first designated as an ETC in North Carolina on August 14, 2006. *North Carolina RSA 3 Cellular Tel. Co.*, CC Docket No. 96-45, Order, DA 06-1628 (WCB Aug. 14, 2006).

<sup>2</sup> 47 C.F.R. § 54.313. The Wireline Competition Bureau and the Wireless Telecommunications Bureau have clarified “that ETCs that have been designated by the Commission are still required to file . . . information [specified in 47 C.F.R. § 54.313(a)(2)-(6)] with respect to their provision of voice service during 2011.” *Connect America Fund, et al.*, WC Docket No. 10-90, *et al.*, Order, DA 12-147 (WCB, WTB, rel. Feb. 3, 2012), 77 Fed. Reg. 14297 (Mar. 9, 2012) (“February 3 Order”), at para. 9.

<sup>3</sup> *Connect America Fund, et al.*, WC Docket No. 10-90, *et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161, 2011 WL 5844975 (rel. Nov. 18, 2011), 76 Fed. Reg. 73830 (Nov. 29, 2011), 76 Fed. Reg. 78384 (Dec. 16, 2011), 76 Fed. Reg. 81562 (Dec. 28, 2011) (“CAF Order”), *recon.*, FCC 11-189 (rel. Dec. 23, 2011), *further recon. pending*, *Connect America Fund et al.*, 77 Fed. Reg. 3635 (Jan. 25, 2012) (providing public notice of the petitions for reconsideration), *petitions for review pending*, *Direct Commc’ns Cedar Valley v. FCC*, No. 11-9581 (10th Cir. filed Dec. 18, 2011) (and consolidated cases).

**A. Construction Plan Progress and Use of Support.**

Pursuant to Section 54.313(a)(1) of the Commission's Rules, an ETC must provide:

A progress report on its five-year service quality improvement plan pursuant to §54.202(a), including maps detailing its progress towards meeting its plan targets, an explanation of how much universal service support was received and how it was used to improve service quality, coverage, or capacity, and an explanation regarding any network improvement targets that have not been fulfilled in the prior calendar year.<sup>4</sup>

Attached hereto as Exhibit A is an updated service quality improvement plan covering 2012-2013.<sup>5</sup> For the period from January 1, 2011, through December 31, 2011, the

<sup>4</sup> 47 C.F.R. § 54.313(a)(1). *See CAF Order* at para. 580 (footnote omitted) (emphasis added) (concluding that "all ETCs must include in their annual reports the information that is currently required by section 54.209(a)(1)-(a)(6)—specifically, a progress report on their five-year build-out plans; data and explanatory text concerning outages; unfulfilled requests for service; complaints received; and certifications of compliance with applicable service quality and consumer protection standards and of the ability to function in emergency situations").

<sup>5</sup> The information contained in Exhibit A is proprietary and competitively sensitive. Carolina West therefore is submitting the entirety of Exhibit A under seal and subject to Carolina West's request for confidential treatment. Exhibit A includes a progress report covering only two years in light of the fact that the Commission has indicated that:

Recognizing that existing five-year build out plans may need to change to account for new broadband obligations set forth in this Order, we require all ETCs to file a new five-year build-out plan in a manner consistent with [Section] 54.202(a)(1)(ii) [of the Commission's Rules] by April 1, 2013. Under the terms of new section 54.313(a) [of the Commission's Rules], all ETCs will be required to include in their annual [Section] 54.313 reports information regarding their progress on this five-year broadband build-out plan beginning April 1, 2014.

*CAF Order* at para. 587. *See February 3 Order* at para. 6. In light of this requirement to submit a new five-year build-out plan as part of its April 2013 annual report, Carolina West has concluded that the progress report in the attached Exhibit A regarding its current service quality improvement plan should include projections only through 2013.

**[BEGIN CONFIDENTIAL INFORMATION]**



Company received a total of [BEGIN CONFIDENTIAL INFORMATION] [REDACTED]

[END CONFIDENTIAL INFORMATION] in Universal Service Support.

During the same period, Carolina West invested [BEGIN CONFIDENTIAL INFORMATION] [REDACTED]

[REDACTED] [END CONFIDENTIAL INFORMATION]. Specifically, for the period from January 1, 2011, through December 31, 2011, Carolina West [BEGIN CONFIDENTIAL INFORMATION] [REDACTED]

[REDACTED] [END CONFIDENTIAL INFORMATION] During this period, Carolina West has also improved existing cellular facility site coverage, performance, and reliability by upgrading antennas and switching equipment. Details of these expenditures are set forth in Tab 1 of Exhibit A.

**B. Outage Reporting.**

Under the annual reporting rules adopted in the *CAF Order*, an ETC must report any outages of at least 30 minutes in duration on the facilities it owns, operates, leases, or otherwise utilizes that potentially affect at least 10 percent of the end users served in its

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[REDACTED] [END CONFIDENTIAL INFORMATION]

designated service area, or affect a 911 special facility.<sup>6</sup> For the period from January 1, 2011, through December 31, 2011, Carolina West [BEGIN CONFIDENTIAL INFORMATION] [REDACTED]

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<sup>6</sup> See 47 C.F.R. § 54.313(a)(2). With regard to 911 special facilities, Section 4.5(e) of the Commission's Rules provides as follows:

An outage that potentially affects a 911 special facility occurs whenever:

(1) There is a loss of communications to PSAP(s) potentially affecting at least 900,000 user-minutes and: The failure is neither at the PSAP(s) nor on the premises of the PSAP(s); no reroute for all end users was available; and the outage lasts 30 minutes or more; or

(2) There is a loss of 911 call processing capabilities in one or more E-911 tandems/selective routers for at least 30 minutes duration; or

(3) One or more end-office or MSC switches or host/remote clusters is isolated from 911 service for at least 30 minutes and potentially affects at least 900,000 user-minutes; or

(4) There is a loss of ANI/ALI (associated name and location information) and/or a failure of location determination equipment, including Phase II equipment, for at least 30 minutes and potentially affecting at least 900,000 user-minutes (provided that the ANI/ALI or location determination equipment was then currently deployed and in use, and the failure is neither at the PSAP(s) or on the premises of the PSAP(s)).

47 C.F.R. § 4.5(e).

[END CONFIDENTIAL INFORMATION]

**C. Service Requests.**

For the period from January 1, 2011, through December 31, 2011, there were no unfulfilled requests for service from potential customers within Carolina West's designated ETC service area.<sup>7</sup> However, Carolina West hereby certifies that it continues to follow a six-step process for provisioning service to requesting customers.<sup>8</sup> Specifically, in response to such requests for service at a residence or business, Carolina West will take the following steps:

1. If a request comes from a customer within its existing network, Carolina West will provide service immediately using its standard customer equipment.
2. If a request comes from a customer residing in any area where Carolina West does not provide service, Carolina West will take a series of steps to provide service.
  - First, it will determine whether the customer's equipment can be modified or replaced to provide acceptable service.

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<sup>7</sup> See 47 C.F.R. § 54.313(a)(3).

<sup>8</sup> This six-step process was formerly prescribed in Section 54.202(a)(1) of the Commission's Rules, but these provisions of Section 54.202 have been repealed by the Commission. See *CAF Order*, App. A (revising Section 54.202). Section 54.313(a)(3) of the Commission's Rules now requires that an ETC must "detail how it attempted to provide service to those potential customers" whose requests for service were unfulfilled in the prior calendar year. Carolina West followed the six-step process during calendar year 2011, and will continue to utilize the six-step process as a means of complying with the requirement established in Section 54.313(a)(3).



- Second, it will determine whether a roof-mounted antenna or other network equipment can be deployed at the customer's premises to provide service.
- Third, it will determine whether adjustments at the nearest cellular facility site can be made to provide service.
- Fourth, it will determine whether there are any other adjustments to network or customer facilities that can be made to provide service.
- Fifth, it will explore the possibility of offering the resold services of carriers that have facilities available to the customer's location.
- Sixth, Carolina West will determine whether an additional cellular facility site, a cell-extender, or repeater can be employed or can be constructed to provide service, and evaluate the costs and benefits of using scarce high-cost support to serve the number of customers requesting service.

If there is no possibility of providing service short of these measures, Carolina West will notify the customer, and notify the Commission of how many requests for service could not be filled in its next annual report filed pursuant to Section 54.313 of the Commission's Rules. Carolina West acknowledges that the Commission will retain authority to resolve any customer complaints alleging that Carolina West has refused to respond to a reasonable request for service.

**D. Consumer Complaints.**

For the period from January 1, 2011, through December 31, 2011, no consumer complaints were filed with either the Commission or the North Carolina Utilities Com-



mission regarding Carolina West's service in the designated ETC service area.<sup>9</sup> [BEGIN

CONFIDENTIAL INFORMATION] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [END CONFIDENTIAL INFORMATION]

**E. Commitment to Abide by CTIA's Consumer Code for Wireless Services.**

The Commission indicated in the *CAF Order* that ETCs must certify compliance with applicable service quality and consumer protection standards,<sup>11</sup> and also specifically noted that, if an ETC is complying with "the voluntary code of conduct concerning 'bill shock'" or the CTIA–The Wireless Association® ("CTIA") Consumer Code for Wireless Service ("CTIA Code" or "Code"), it should so indicate in its annual report.<sup>12</sup> In submit-

<sup>9</sup> See 47 C.F.R. § 54.313(a)(4).

<sup>10</sup> [BEGIN CONFIDENTIAL INFORMATION] [REDACTED]

[REDACTED] [END CONFIDENTIAL INFORMATION]

<sup>11</sup> *CAF Order* at para. 580. See 47 C.F.R. § 54.313(a)(5).

<sup>12</sup> *CAF Order* at para. 580 n.956. Under the CTIA Code, wireless carriers agree to: (1) disclose rates and terms of service to customers; (2) make available maps showing where service is generally available; (3) provide contract terms to customers and confirm changes in service; (4) allow a trial period for new service; (5) provide specific disclosures in advertising; (6) separately identify carrier charges from taxes on billing statements; (7) provide customers the right to terminate service for changes to contract terms; (8) provide ready access to customer service; (9) promptly respond to consumer inquiries and complaints received from government agencies; (10) abide by policies for protection of consumer privacy; and (11) provide consumers with free notifications for voice, data and messaging usage, and international roaming. The CTIA Code can be viewed on the CTIA website at [http://www.ctia.org/consumer\\_info/service/index.cfm/AID/10352](http://www.ctia.org/consumer_info/service/index.cfm/AID/10352) (accessed Mar. 27, 2012). The eleventh point to the CTIA Code was added in October 2011.

ting this Report, Carolina West certifies that it will continue to abide by the CTIA Code for all of its operations in North Carolina.

Carolina West notes that, with respect to the recently added eleventh point of the CTIA Code relating to “bill shock,” CTIA has indicated the following:

Each wireless provider will provide, at no charge: (a) a notification to consumers of currently-offered and future domestic wireless plans that include limited data allowances when consumers approach and exceed their allowance for data usage and will incur overage charges; (b) a notification to consumers of currently-offered and future domestic voice and messaging plans that include limited voice and messaging allowances when consumers approach and exceed their allowance for those services and will incur overage charges; and (c) a notification to consumers without an international roaming plan/package whose devices have registered abroad and who may incur charges for international usage. Wireless providers will generate the notifications described above to postpaid consumers based on information available at the time the notification is sent. Wireless consumers will not have to affirmatively sign up in order for these notifications to be sent. Each wireless provider shall provide its customers at least two of these alerts by October 17, 2012 and all of these alerts by April 17, 2013. Wireless providers will clearly and conspicuously disclose tools or services that enable consumers to track, monitor and/or set limits on voice, messaging and data usage.<sup>13</sup>

Carolina West hereby certifies that it intends to comply with the provisions of the eleventh point of the CTIA Code pursuant to the implementation schedule established in the Code.

**F. Ability To Remain Functional in Emergencies.**

Section 54.202(a)(2) of the Commission’s Rules<sup>14</sup> requires that each ETC must “[d]emonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality with-

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<sup>13</sup> CTIA Code, [http://www.ctia.org/consumer\\_info/service/index.cfm/AID/10352](http://www.ctia.org/consumer_info/service/index.cfm/AID/10352) (accessed Mar. 27, 2012).

<sup>14</sup> 47 C.F.R. § 54.202(a)(2).

out an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.”<sup>15</sup> Section 54.313(a)(6) requires ETCs to certify that they are “able to function in emergency situations as set forth in §54.202(a)(2) . . . .”<sup>16</sup>

Carolina West is mindful of the importance of ensuring uninterrupted service so that law enforcement and public safety officials, as well as the general public, can make important calls in the event of a hurricane or other emergency. Carolina West hereby certifies that the Company continues to maintain the capability of functioning in emergency situations as specified in the *CAF Order* and the Commission’s Rules.

*[Remainder of page intentionally left blank]*

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<sup>15</sup> 47 C.F.R. § 54.202(a). See *CAF Order* at para. 580.

<sup>16</sup> 47 C.F.R. § 54.313(a)(6).

**Conclusion**

Carolina West trusts that you will find this to be responsive to the compliance materials requested in the *CAF Order* and the Commission's Rules.

Respectfully submitted,



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David A. LaFuria  
Steven M. Chernoff  
John Cimko

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Attorneys for:  
*Carolina West Wireless, Inc.*

March 29, 2012

## **DECLARATION**

**DECLARATION UNDER PENALTY OF PERJURY**


I, Slayton Stewart, hereby declare under penalty of perjury as follows:

1. I am the Chief Executive Officer of Carolina West Wireless, Inc. ("Carolina West").

2. This Affidavit is submitted in support of Carolina West's Annual Report, pursuant to the *Connect America Fund*, WC Docket No. 10-90, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161, 2011 WL 5844975 (rel. Nov. 18, 2011) and Section 54.313 of the Commission's Rules.

3. I declare under penalty of perjury that the statements contained in the foregoing Annual Report are true and correct to the best of my knowledge.

Executed on March 23, 2012



Slayton Stewart, Chief Executive Officer  
Carolina West Wireless, Inc.

**SUBSCRIBED, SWORN TO AND ACKNOWLEDGED** before me this 23 day of March, 2012.

  
**NOTARY PUBLIC**

**My Commission Expires:** October 10, 2012



**EXHIBIT A**



**REDACTED – FOR PUBLIC INSPECTION**

**EXHIBIT A**

**UPDATED SERVICE QUALITY IMPROVEMENT PLAN**

**THIS EXHIBIT IS WITHHELD FROM THE PUBLIC COPY  
AS THE FILER HAS REQUESTED CONFIDENTIAL TREATMENT**